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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,752	02/09/2004	Keiji Shimatani	1990.69557	6155

24978 7590 04/20/2005

GREER, BURNS & CRAIN
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EXAMINER

FIGUEROA, NATALIA

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/774,752	Applicant(s) SHIMATANI, KEIJI	
	Examiner Natalia Figueroa	Art Unit 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6 and 11 is/are rejected.
- 7) ☒ Claim(s) 2-5, 7-10 and 12-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/09/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 09 February 2004 (02/09/2004) is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings are objected to because in page 22 of the specification in line 27, figure 6F is referenced. The examiner suggests verification since figure 6G seems to be the correct figure that should be referenced in this part.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyo et al (JP 2001-110027), hereinafter Kyo in view of Yoshio et al (JP 10-083640), hereinafter Yoshio.

RE claim 1, Kyo discloses a position detecting method for a head being transferred to a radial direction of a medium and recording and reproducing information (abstract and [0001]), characterized by comprising a step of demodulating a position signal of the head from the reproduced signal of the position information signal pattern (abstract and [0001, 0005-0006 and 0024-0025]).

Kyo fails to explicitly teach a step of recording a position information signal pattern into the medium, the position information signal pattern being configured by arranging graphics surrounded by a certain closed curve as pattern elements uniformly on a plane, arranging the pattern elements in circumferential and radial directions position of a disc so that a phase and a head position establish a proportional relationship in two or more frequency components of a reproduced signal. However, Yoshio discloses such on (abstract and [0003, 0005-0006 and 0030-0031]). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as disclosed by Kyo with the above teachings from Yoshio to write groups of servo pattern into the shape of a curve, therefore making the

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precision by the magnetic head unnecessary, shortening the write time and hence restoring obtaining a higher degree of accuracy with regards to the head positioning.

RE claim 6, apparatus claim 6 is drawn to the apparatus corresponding to the method of using same as claimed in claim 1. Therefore apparatus claim 6 corresponds to method claim 1, and is rejected for the same reasons of obviousness as used above.

RE claim 11, apparatus claim 11 is drawn to the apparatus corresponding to the method of using same as claimed in claim 1. Therefore apparatus claim 11 corresponds to method claim 1, and is rejected for the same reasons of obviousness as used above.

Allowable Subject Matter

6. Claims 2-5, 7-10 and 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 2-5, 7-10 and 12-15, the prior art of record, and in particular Kyo (JP 2001-110027), fails to teach or suggest the limitations in accordance with the embodiment; method and associated apparatus; of the present invention.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents are cited to further show the state of the art with respect to head positioning for a disk drive.

a. Messner et al (USPN 6,754,016): Discloses a frequency-modulating pattern.

b. Axmear et al (USPN 4,549,232): Discloses a phase modulated servo system.

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c. Belser et al (USPN 6,349,079): Discloses an error positioning detection method.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Figueroa whose telephone number is (571) 272-7554.

The examiner can normally be reached on Monday - Thursday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


NFM


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